IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 8TH NOVEMBER 2006 / 17TH KARTHIKA 1928

WP(C).No. 11866 of 2005(K)

PETITIONER:

K.SUKUMARAN, S/O.KRISHNAN,
THANNINALKUNNATHIL HOUSE,
PERINJOTTUKKAL P.O., PAYYANAMAN,
PATHANAMTHITTA DISTRICT (WATCHER, SOIL CONSERVATION RESEARCH STATION- RETIRED)

BY ADV. SRI.D.KRISHNA PRASAD

RESPONDENTS:
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1. STATE OF KERALA, REP. BY ITS SECRETARY TO AGRICULTURE(FARMS), DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ADDITIONAL DIRECTOR, SOIL CONSERVATION DIRECTORATE, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR, SOIL CONSERVATION TRAINING & EXTENSION CENTRE KAKKANAD, ERNAKULAM

4. THE REGISTRAR, KERALA AGRICULTURAL, UNIVERSITY VELLANIKKARA.

5. THE ASSOCIATE PROFESSOR & HEAD-IN-CHARGE, KERALA AGRICULTURAL UNIVERSITY, SOIL CONSERVATION RESEARCH STATION, KONNI-689 692.

BY ADV. SRI.N.D.PREMACHANDRAN, SC, AGRL.UNTY.
GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.C.NO.11866/05

PETITIONER'S EXHIBITS

EXT.P1 **TRUE COPY OF THE JUDGMENT DATED 28-10-03 IN O.P.NO.10603/96 OF THIS COURT.**

EXT.P2 **TRUE COPY OF THE REPRESENTATION DATED 22-12-04 SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT.**

RESPONDENT'S EXHIBITS

EXT.R4(A) **TRUE COPY OF THE GOVERNMENT ORDER DATED 3-3-04.**

EXT.R4(B) **TRUE COPY OF THE ORDER DATED 29/8/97 IN C.M.P.NO.27186/97 IN O.P.NO.10603/96.**

EXT.R4(C) **TRUE COPY OF THE ORDER DATED 18-06-01 IN C.M.P.NO.16043/01 IN O.P.NO.10603/96.**

EXT.R4(D) **TRUE COPY OF THE JUDGMENT DATED 19-06-02 OF THE DIVISION BENCH IN W.A.NO.3000/01.**

/True Copy/

PA to Judge.

A.K.BASHEER,J

W.P.C.No.11866 of 2005

Dated this the 8th day of November, 2006

JUDGMENT

Petitioner was initially appointed as Permanent Labourer in the Soil Conservation Research Station, Konni. Petitioner had approached this court on an earlier occasion contending inter-alia that he was entitled to continue in service upto the age of 60 years pending O.P.No.10603/96. It is the admitted position that petitioner had continued in service by virtue of the interim order passed by this court in the above original petition. While so, the Research Station was taken over by the Kerala Agricultural University with effect from July 1, 1998. Petitioner retired from service on August 31, 2002 on completion of 60 years,

2. It is admitted by the petitioner that if he were to retire at the age of 55, he ought to have superannuated on August 31, 1997. The grievance of the petitioner is that he has not been paid his retiral benefits till date either reckoning his age of retirement as 55 or 60. It is in the above circumstances that this writ petition has been preferred praying for issuance of writ of mandamus or such other appropriate writ or direction to the respondents to settle his pensionary claims and pay the arrears of salary and other benefits as claimed by him in

Ext.P2 representation which is stated to have been filed by him before respondent No.1.

3. When this writ petition had come up for consideration on earlier occasions, there appeared to be some confusion with regard to the availability of the service records relating to the petitioner. Today, the Junior Superintendent in the office of respondent No.3 has appeared before this court as directed. He has made available the relevant file. He has also produced the service book of the petitioner which according to him, was forwarded by the University to his office on November 4, 2006. I do not propose to go into all those questions at this stage in view of the order that I propose to pass now.

4. It is submitted by learned standing counsel for the University that petitioner's pension book is available in the office of respondent No.5 which will be handed over to the petitioner if he approaches the said office. Learned counsel for the petitioner submits that petitioner is prepare to collect and produce it before respondent No.3 for further action.

5. It is pointed out by learned standing counsel that the claim made by the petitioner that he was entitled to continue till he attained the age of 60 has been rejected by the Government as revealed from Ext.R4(a) dated March 3, 2004. Petitioner has not so far challenged the above order and therefore it has become final, it is contended by the learned standing counsel.

6. In the above facts and circumstances, the writ petition is disposed of with the following directions:

Respondent No.3 shall, on receipt of the petitioner's pension book, compute the pensionary benefits payable to the petitioner reckoning as though he had retired from service on August 31, 1997. It shall be ensured by respondent No.3 that all the service benefits payable to the petitioner are computed and appropriate orders are passed as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. The amount so computed shall be disbursed to the petitioner within two months from the date of passing of the above order. The file and the service book which have been produced by respondent No.3 are returned to him. If according to the petitioner any other issue with regard to regularisation of his service and other related matters are still to be sorted out, it will be open to the petitioner to pursue his remedies in accordance with law, if so advised.

Writ petition is disposed of in the above terms.

A.K.BASHEER.
JUDGE

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